



Information Policy and Compliance  
[bbc.co.uk/foi](http://bbc.co.uk/foi)

05 November 2007

Dear Mr

**Freedom of information request – RFI2007000876**

Thank you for your request received on 18 October 2007 seeking further information about TV Licensing. Your request is being dealt with under the Freedom of Information Act 2000 (“the Act”). In your request you asked the following:

*You state in a recent FOI request – RFI 2007000373 that a search warrant may be issued, in your words, “Information from a TV retailer”, may I point you to the fact that a TV set does not require a TV licence, if one was required by law, you would need to purchase a TV Licence before you left the shop.*

*What I am saying is that this information is not true, no Magistrate/Sheriff in Scotland would authorise a search warrant on this information.*

*Can you clarify that this information is total nonsense.*

The phrase ‘information from a television retailer’ was used in the BBC’s response to RFI 2007000373 in the context of explaining that in order to apply for a search warrant, TV Licensing must have reasonable cause to believe that television equipment is being used for the purpose of viewing or recording television programme services without a valid licence. However, what constitutes a ‘reasonable cause’ is not an exhaustive list but is based on the specific circumstances in each case. A number of examples were therefore given in the response above of factors which may constitute a ‘reasonable cause’ in a specific set of circumstances.

As you know, section 363 of the Communications Act 2003 provides that it is an offence to install or use a TV receiver to receive TV programmes without a TV licence and for a person to possess or have a TV receiver under his/her control which s/he knows or has reasonable grounds to believe will be installed or used by another person to receive TV programmes without a TV licence. You are therefore right to point out that the legislation does not make



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reference to the ownership of a TV set. Instead, it is concerned with the installation or use of a TV receiver.

The Wireless Telegraphy Act 1967 (as amended) places an obligation on TV retailers to supply to TV Licensing the name and address of a person who hires or purchases a TV set within 28 days of the purchase/hire date. In some cases, where TV Licensing receives such a notice (known as a 'dealer notification'), this may combine with other specific information held by TV Licensing to constitute a 'reasonable cause' for believing that TV equipment is being used for the purpose of viewing or recording TV programme services without a current licence of the appropriate type. TV Licensing may then apply to the local magistrates for a search warrant, who will consider their reasons before giving agreement or otherwise.

Please note that TV Licensing does not consider search warrant applications except as a last resort and only then when legal advisers agree there is good reason to believe that an offence has been committed.

### **Appeal rights**

If you are not satisfied with this response you have the right to an internal review by a BBC senior manager or legal adviser. Please contact us at the address provided, explaining what you would like us to review and including your reference number. If you are not satisfied with the internal review, you can appeal to the Information Commissioner. The contact details are: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, telephone 01625 545 700 or see <http://www.ico.gov.uk/>

I hope this response is helpful.

Yours sincerely,

**Natalie Saunderson**  
**Policy Adviser**  
**BBC TV Licensing Management Team**